

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

KATHLEEN BLAHA,)	
)	
Petitioner,)	
)	
v.)	CV416-319
)	
STATE JUDGE TIMOTHY)	
WALMSLEY,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Proceeding *pro se*, Kathleen Blaha petitions this Court for habeas relief under 28 U.S.C. § 2254, doc. 1, and moves for leave to proceed *in forma pauperis* (IFP). Doc. 2. Finding her indigent, the Court **GRANTS** her IFP motion (doc. 2) but concludes, upon preliminary review under § 2254 Rule 4, that her petition must be dismissed.

The attached Georgia Department of Corrections “rap sheet” shows that Blaha was convicted of failing to register as a sex offender and is incarcerated until June 3, 2017. She represents on her § 2254 petition, however, that her offense was “not to come into contact with minors except my own.” Doc. 1 at 1 ¶ 4. In any event, she says was convicted on

March 28, 2016. Doc. 1 at 1 ¶ 2; *see also* attached rap sheet at 2 (“Incarceration begin: 05/04/2016”). She says she tried to appeal but does not say when, only that someone “kept sending it back to me.” Doc. 1 at 2 ¶ 10.

Importantly, Blaha admits that she filed for no state habeas relief. Doc. 1 at 2 ¶ 11. Federal Courts cannot grant state habeas applicants relief “unless it appears that . . . the applicant has exhausted the remedies available in the courts of the State.” 28 U.S.C. § 2254(b)(1). “An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of [§ 2254], if he has the right under the law of the State to raise, by any available procedure, the question presented.” 28 U.S.C. § 2254(c).

Blaha thus must first present all of her federal claims to the Georgia state courts, *O'Sullivan v. Boerckel*, 526 U.S. 838, 839 (1999), and give them “one full opportunity to resolve any constitutional issues by invoking one complete round of the State's established appellate review process.” *Id.* at 845; *Pope v. Rich*, 358 F.3d 852, 854 (11th Cir. 2004) (state habeas petitioner must seek a certificate of probable cause from the

Georgia Supreme Court to exhaust his state remedies). Because she has failed to do so, her petition must be dismissed on exhaustion grounds.

Even were the Court to ignore her failure to exhaust, her petition still must be dismissed because she at best has “laundry listed” her claims.¹ See, e.g., doc. 1 at 5-6 (“Ground One: False Imprisonment . . . conviction of double jeopardy time I already did time for.”). That means her petition fails on its face (the Court also notes that she has failed to comply with § 2254 Rule 2(a)’s command to name her current custodian as the respondent; instead, she named the judge who evidently sentenced

¹ As this Court has said in the past, petitioners:

cannot simply laundry-list their claims and hope that the court will develop (hence, litigate) them on their behalf. *Holmes v. United States*, 876 F.2d 1545, 1553 (11th Cir. 1989) (no hearing required on claims “which are based on unsupported generalizations”); *Rodriguez v. United States*, 473 F.2d 1042, 1043 (5th Cir. 1973) (no hearing required where petitioner alleged no facts to establish truth of his claims beyond bare conclusory allegations); *Jeffcoat v. Brown*, 2014 WL 1319369 at * 8 (S.D. Ga. Mar. 27, 2014); *Bartley v. United States*, 2013 WL 6234694 at * 2–3 (S.D. Ga. Dec. 2, 2013) (§ 2255 claims bereft of argument and citation to the record may be denied on pleading-deficiency grounds alone); see also *Johnson v. Razdan*, [564 F. App’x 481, 484 (11th Cir. 2014)] (“Although pro se briefs are to be construed liberally, a *pro se* litigant who offers no substantive argument on an issue in his initial brief abandons that issue on appeal.”).

Robinson v. United States, 2015 WL 9467508 at * 2 (S.D. Ga. Nov. 16, 2015) (quoting *Riggs v. Warden, Ware State Prison*, 2015 WL 2342056 at * 3 n. 7 (S.D. Ga. May 13, 2015)); *Brown v. Tatum*, 2016 WL 2977279 at * 2 (S.D. Ga. May 20, 2016).

her).

Accordingly, Kathleen Blaha's § 2254 petition must be **DISMISSED**. This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendation pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. U.S.*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 6th day of
December, 2016.

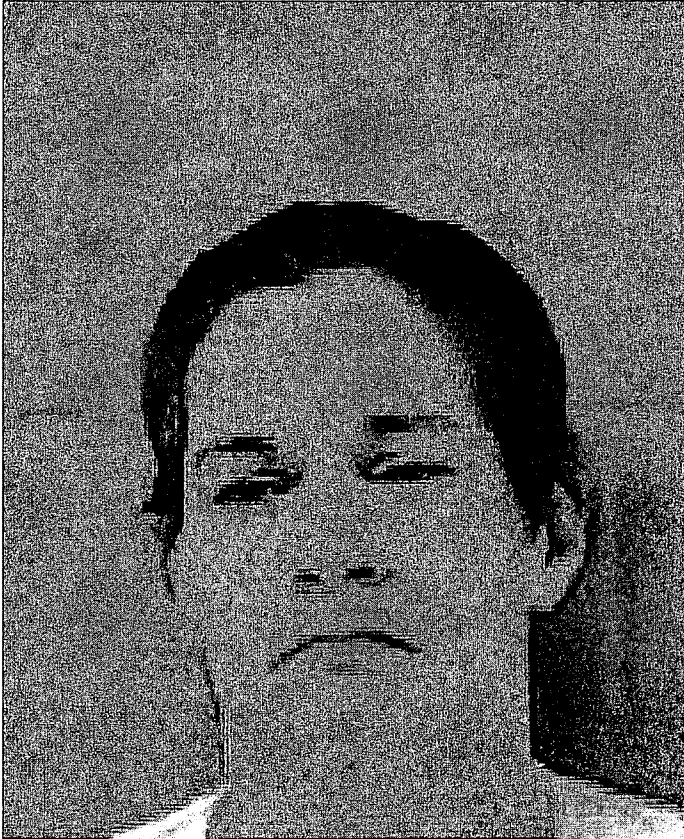

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

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NAME: BLAHA, KATHLEEN

GDC ID: 0001269382



PHYSICAL DESCRIPTION

YOB: 1972

RACE: WHITE

GENDER: FEMALE

HEIGHT: 5'09"

WEIGHT: 168

EYE COLOR: HAZEL

HAIR COLOR: BROWN

SCARS, MARKS, TATTOOS

INCARCERATION DETAILS

MAJOR OFFENSE: SEX OFFENDER FAIL REGISTR

MOST RECENT INSTITUTION: PULASKI STATE PRISON

MAX POSSIBLE RELEASE DATE: 06/03/2017

Important Release Information

ACTUAL RELEASE DATE: CURRENTLY SERVING

CURRENT STATUS: ACTIVE

KNOWN ALIASES

A.K.A. BLAHA,KATHEEN

A.K.A. BLAHA,KATHLEEN

A.K.A. CHANDLER,KATHLEEN JOANN

STATE OF GEORGIA - CURRENT SENTENCES

CASE NO: 820988

OFFENSE: SEX OFFENDER FAIL REGISTR

CONVICTION COUNTY: CHATHAM COUNTY

CRIME COMMIT DATE: 11/27/2007

SENTENCE LENGTH: 10 YEARS, 0 MONTHS, 0 DAYS

STATE OF GEORGIA - PRIOR SENTENCES

CASE NO: 714809

OFFENSE: SEX OFFENDER FAIL REGISTR

CONVICTION COUNTY: CHATHAM COUNTY

CRIME COMMIT DATE: 11/27/2007

SENTENCE LENGTH: 10 YEARS, 0 MONTHS, 0 DAYS

CASE NO: 650557

OFFENSE: SEX OFFENDER FAIL REGISTR

CONVICTION COUNTY: CHATHAM COUNTY

CRIME COMMIT DATE: 11/27/2007

SENTENCE LENGTH: 10 YEARS, 0 MONTHS, 0 DAYS

STATE OF GEORGIA - INCARCERATION HISTORY

INCARCERATION BEGIN: 05/04/2016

INCARCERATION END: ACTIVE

INCARCERATION BEGIN: 04/07/2010

INCARCERATION END: 10/26/2011

INCARCERATION BEGIN: 04/16/2008

INCARCERATION END: 11/26/2008